



# PUBLIC NOTICE

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DA 16-839

Released: July 25, 2016

## WIRELINE COMPETITION BUREAU RELEASES ADDITIONAL PEER REVIEW MATERIALS IN BUSINESS DATA SERVICES (SPECIAL ACCESS) RULEMAKING PROCEEDING

WC Docket Nos. 16-143, 15-247, and 05-25; RM-10593

The Federal Communications Commission (Commission) released a Tariff Investigation Order and Further Notice of Proposed Rulemaking on May 2, 2016 in the business data services proceeding that included a white paper by Professor Marc Rysman, entitled “Empirics of Business Data Services” (Rysman Paper).<sup>1</sup> In accordance with the Office of Management and Budget (OMB) peer review guidelines, the Commission engaged outside experts to peer review the Rysman Paper.<sup>2</sup> On June 28, 2016, the Commission submitted into the record materials related to the peer review, including charge memoranda, peer review reports, a revised Rysman Paper, and a Commission staff memorandum.<sup>3</sup>

The revised Rysman Paper and the Commission staff memorandum addressed not only feedback received from the peer reviewers but also further analyzed the impact of supplemented data submissions by certain large cable companies on the results of Professor Rysman’s prior analysis. The Commission provided both the revised Rysman Paper and Commission staff memorandum to the peer reviewers and invited them to amend or add to their earlier peer review reports. Both peer reviewers have supplemented their responses. Today, the Commission incorporated the peer reviewer’s responses as well as letters from Commission staff to the peer reviewers inviting additional review into the relevant dockets in the

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<sup>1</sup> See *Business Data Services in an Internet Protocol Environment Investigation of Certain Price Cap Local Exchange Carrier Business Data Services Tariff Pricing Plans; Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket Nos. 16-143, 15-247, 05-25, RM-10593, Tariff Investigation Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 4723, 4919, Appx. B, Dr. Marc Rysman, *Empirics of Business Data Services* (Apr. 2016) (Rysman Paper) (2016).

<sup>2</sup> See *id.* at 4792-95, para. 164; Final Information Quality Bulletin for Peer Review, OMB, Executive Office of the President, 70 Fed. Reg. 2664 (Jan. 14, 2005) (requiring that influential scientific information on which a federal agency relies in a rulemaking proceeding be subject to peer review to enhance the quality and credibility of the government’s scientific information).

<sup>3</sup> Letter from William Layton, Assistant Division Chief, Pricing Policy Division, Wireline Competition Bureau (WCB), FCC, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 16-143, 15-247, 05-25, RM-10593 (dated June 28, 2016). The Commission added a corrected Attachment 3 to the Commission staff memorandum to the record on July 8, 2016. See Letter from Deena M. Shetler, Associate Bureau Chief, WCB, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 16-143, 15-247, 05-25, RM-10593 (dated July 8, 2016).

business data services proceeding.<sup>4</sup> In addition, these materials are publically available on the Commission's Peer Review Agenda webpage.<sup>5</sup>

For further information, please contact Christopher Koves, Pricing Policy Division, Wireline Competition Bureau, at (202) 418-8209 or via email at [Christopher.Koves@fcc.gov](mailto:Christopher.Koves@fcc.gov).

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<sup>4</sup> Letter from William Layton, Assistant Division Chief, Pricing Policy Division, Wireline Competition Bureau, FCC, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 16-143, 15-247, 05-25, RM-10593 (dated July 25, 2016).

<sup>5</sup> Peer Review of Business Data Services Industry White Paper, <https://www.fcc.gov/peer-review-business-data-services-industry-white-paper>.